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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-ninth session
Agenda item 13 (c)

CONCLUDING ITEMS

ADOPTION OF THE REPORT ON THE FORTY-NINTH SESSION

Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session

Rapporteur: Mr. Marc Bossuyt

CONTENTS*

Chapter		Paragraphs	Page
II.	Draft resolutions and decisions adopted by the Sub-Commission at its forty-ninth session		
	A. Resolutions		
	1997/16. Methods of work of the Sub-Commission		
	1997/17. Organization of the sessions of the Sub-Commission		

* E/CN.4/Sub.2/1997/L.10 and Addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights, will be contained in documents E/CN.4/Sub.2/1997/L.11 and Addenda.

CONTENTS (continued)

Chapter			Paragraphs	Page
II.	A.	Resolutions (continued)		
		1997/18. Promotion of the realization of the right of access of all to drinking water supply and sanitation services		
		1997/19. Women and the right to adequate housing and to land and property . .		
		1997/20. Question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights)		
		1997/21. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery . .		
		1997/22. Report of the Working Group on Contemporary Forms of Sl very . . .		
		1997/23. Prevention of discrimination against and protection of minorities		
		1997/24. Situation of street children and minor detainees		
		1997/25. Juvenile justice		

1997/16. Methods of work of the Sub-Commission

The Sub-Commission on Prevention of discrimination and protection of Minorities,

Taking note with appreciation of the working paper prepared by Mr. Hatano pursuant to its decision 1996/114 (E/CN.4/Sub.2/1997/3),

Welcoming the establishment of a sessional working group on the methods of work of the Sub-Commission, chaired by Mr. Bossuyt,

Noting that the sessional working group was unable, owing to lack of time, to complete its consideration of the working paper,

Hoping that ample time, either in public or private meetings, will be allocated to complete the consideration of the working paper during its next session,

1. Decides to entrust Mr. Ribot Hatano with the preparation of a revised working paper containing a compilation of rules of procedure, guidelines, decisions and practices, applicable to the work of the Sub-Commission, taking full account of the opinions expressed both at the sessional working group and the Sub-Commission, including written comments submitted to the Secretariat during the forty-ninth session, and to submit his report to the Sub-Commission at its fiftieth session;

2. Requests the Secretary-General to provide Mr. Hatano with all the assistance needed for his work, especially the translation into English of the comments referred to in the preceding paragraph and their transmittal to him as soon as possible and not later than the end of November.

35th meeting
27 August 1997
[Adopted without a vote. See chap. III.]

1997/17. Organization of the sessions of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind that in its resolution 1997/22 of 11 April 1997 the Commission on Human Rights requested the Sub-Commission to continue thoroughly reviewing its working methods with a view to improving further its efficiency,

Recalling that in the same resolution the Commission called upon the Sub-Commission to focus on its primary role as an advisory body of the Commission, to facilitate efficient and effective participation of

non-governmental organizations, to devote sufficient time at its forty-ninth session to the discussion of its working methods and to prepare specific recommendations on that issue for consideration by the Commission,

Mindful of the in-depth debate held at its forty-eighth session on the issue of possible alternatives to how its annual session is organized,

Considering that the present form of its sessions - four weeks of meetings of five working days per week, with at least two daily plenary or in-session committee meetings and a total of not less than 40 meetings per session - is not conducive to improving its effectiveness as an advisory body, since it does not permit an in-depth review and analysis of all the documentation and initiatives submitted for its consideration as a collective body, nor facilitate thorough consultations among its expert members and more constructive exchanges of views and opinions between them and participating governmental and non-governmental observer delegations,

Recalling its decision 1996/112 of 29 August 1996, in which it requested the Secretary-General to examine the financial and other implications of alternatives to the present organization of its sessions,

Having considered the note submitted by the Secretary-General on this subject (E/CN.4/Sub.2/1997/2),

Considering that, prima facie, a five-week session of five working days per week with one week of two daily meetings and four weeks of only one meeting per day offers a better possibility to enhance its capability to play the role of an advisory body to the Commission,

Taking into account that according to the Secretary-General's estimates obtained from the Conference Services Division of the Secretariat and the Administrative and System Support Section of the High Commissioner/Centre for Human Rights (E/CN.4/Sub.2/1997/2, annexes I and II), in the worst possible situation the cost of the five-week-session option mentioned in the preceding paragraph will not exceed 38 thousand dollars, or 1.86 per cent, more than the cost of the present four-week arrangement for its annual sessions,

1. Requests the Commission on Human Rights and the Economic and Social Council to authorize it, on a trial basis, to organize its fiftieth, fifty-first and fifty-second sessions in the form of five-week sessions of five working days per week, with one week of two daily meetings and four weeks of only one meeting per day, with a total of 30 meetings per session;

2. Decides to re-examine this issue at its fifty-second session under the relevant agenda item, in the light of the experience gained during its fiftieth and fifty-first sessions;

3. Recommends the following resolution to the Commission on Human Rights for adoption:

"The Commission on Human Rights,

Taking into account Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1997/17 of 27 August 1997,

Bearing in mind the financial and other implications of alternatives to the present organization of the Sub-Commission's sessions (E/CN.4/Sub.2/1997/2, annexes I and II),

1. Endorses the Sub-Commission's request to be authorized to organize, on a trial basis, its next three sessions in 1998, 1999 and 2000 in the form of five-week sessions of five working days per week, with one week of two daily meetings and four weeks of only one meeting per day, with a total of 30 meetings per session;

2. Requests the Economic and Social Council to authorize the Sub-Commission to organize its fiftieth, fifty-first and fifty-second sessions in the manner indicated in paragraph 1 above."

35th meeting
27 August 1997
[Adopted by a roll-call vote of 12 votes to 7, with 5 abstentions. See chap. III.]

1997/18. Promotion of the realization of the right of access of all to drinking water supply and sanitation services

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

Mindful that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and a wide range of additional texts provide unequivocally that all persons are entitled to the full realization of economic, social and cultural rights,

Taking note of the Declaration on the Right to Development (General Assembly resolution 41/128 dated 4 December 1986, annex),

Recalling section I, paragraph 10, of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights, inter alia, reaffirmed the right to development as a universal and inalienable right and an integral part of human rights, and urged States and the international community to promote effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Taking account of the results of the World Summit for Social Development, held at Copenhagen from 6 to 12 March 1995, especially the recommendations of its Programme of Action concerning the United Nations system (A/CONF.166/9), inter alia, the need to strengthen United Nations operational activities for development in order to implement the World Summit outcome, and the United Nations system's capacity for gathering and analysing information and developing indicators of social development, taking into account the work carried out by different countries, particularly by developing countries (para. 99 (e)),

Taking particular account of the provisions of chapter 18 of Agenda 21 on the protection of the quality and supply of fresh-water resources, the programme adopted by the United Nations Conference on Environment and Development,

Aware that all States have legally binding obligations to respect, protect and fulfil economic, social and cultural rights,

Deeply concerned to note that 1.4 billion people in the world are still deprived of access to drinking water supply and that some 4 billion lack decent conditions of sanitation,

Affirming the right of each woman, man and child to access to drinking water supply and sanitation services in order to live in dignity, security and peace,

Taking into consideration the International Drinking Water Supply and Sanitation Decade (1981-1990), and the celebration, on 22 March of each year, of the World Day for Water (General Assembly resolution 45/181 of 21 December 1990 and resolution 47/193 of 22 December 1992 respectively),

Bearing in mind the objectives of a "20-20" type compact concerning in particular the access of all to drinking water supply and sanitation services, as expressed in the UNDP "Human Development Report 1994",

Reiterating the fundamental principles of equality of opportunity, human dignity, equity and justice,

Reaffirming also the inherent link between the enjoyment of all human rights, in particular economic, social and cultural rights, and the right of each woman, man and child to have access to drinking water supply,

1. Reaffirms the Declaration on the Right to Development, as proclaimed by the General Assembly in resolution 41/128 of 4 December 1986, where stress is laid on the multidimensional, integrated and dynamic character of this right which promotes partnership for development and constitutes a relevant framework for international cooperation and national action aimed at universal and effective observance of all human rights in their universality, indivisibility and interdependence;

2. Affirms that the global and multidimensional approach, as defined in the Declaration on the Right to Development, should constitute a basis for work to be carried on on the promotion of the realization of the right of access of all to drinking water supply and sanitation services;

3. Decides to entrust to Mr. El Hadji Guissé the task of drafting, without financial implications, a working paper on the question of the promotion of the realization of the right of access of all to drinking water supply and sanitation services;

4. Requests Mr. El Hadji Guissé to submit his working paper to it at its fiftieth session;

5. Decides to consider the question of the promotion of the realization of the right of access of all to drinking water supply and sanitation services under the agenda item entitled "The realization of economic, social and cultural rights", and to determine the most effective way of continuing consideration of the question of the promotion of the realization of this right.

35th meeting
27 August 1997

[Adopted without a vote. See chap. VI.]

1997/19. Women and the right to adequate housing and to land and property

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the recognition and legal foundations of the right to adequate housing contained in, inter alia, the Universal Declaration of Human Rights

(arts. 7, 12, 17, 25, para. 1), the International Covenant on Economic, Social and Cultural Rights (arts. 2, para. 2., 11, para. 1), the International Covenant on Civil and Political Rights (arts. 2, para. 1, 17, 26) and its Optional Protocol, the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (e) (iii)), the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling also general comment No.4 (1991) on the right to adequate housing and general comment No. 7 (1997) on forced evictions adopted by the Committee on Economic, Social and Cultural Rights,

Recalling further Commission on Human Rights resolution 1993/77 of 10 March 1993 entitled "Forced evictions",

Recalling its own resolutions 1991/26 of 29 August 1991, 1992/26 of 27 August 1992, 1993/36 of 25 August 1993, 1994/38 of 26 August 1994 and 1995/27 of 24 August 1995, entitled "Promoting the realization of the human right to adequate housing",

Recognizing that women face particular constraints in securing and maintaining their right to housing because of the continued existence of gender-biased laws, policies, customs and traditions which exclude women from acquiring land, security of tenure and inheritance rights to land and property and owing to women's reproductive role, and that these constraints are particularly acute for women who also face discrimination on one or more other grounds, including race, ethnicity, creed, disability, age, socio-economic status and marital status,

Alarmed that more women than men live in absolute poverty and that female-headed households, which comprise one fourth of all households worldwide, are very often among the poorest,

Concerned that continued discrimination faced by women in all matters relating to land and property is the single most critical factor in the perpetuation of gender inequality and poverty,

Disturbed that millions of women worldwide suffer from extremely poor housing and living conditions, including severe pollution, overcrowding, polluted water and inadequate sanitation, all of which give rise to serious mental and physical health problems and cause thousands of women to die, or to live in a permanent state of ill-health,

Aware that women are largely excluded from the housing and planning development process, which leads to the underutilization of their knowledge and experience and results in development policies and projects that are insensitive to women's requirements for the improvement of their housing, neighbourhoods and communities,

Aware also that women experience discrimination by being denied access to, inter alia, the right to rent, own or inherit housing, land and property; economic resources, including agricultural and housing credits and loans; economic opportunities through employment and self-employment, training, information and education; health care and social support services, and that such discrimination has a particularly adverse impact on female-headed households,

Concerned that women and children suffer disproportionately from the practice of forced eviction and that women bear the brunt of traumatized and dislocated communities,

Deeply concerned that inadequate and insecure housing and living conditions contribute to, cause and are often the result of violence against women and that women's lack of security of tenure, resulting from domestic violence as well as gender-biased laws, customs and traditions which exclude women from renting, owning or inheriting land or property, exposes women to homelessness and landlessness,

Stressing that the violation of women's right to adequate housing results in the violation of other civil, cultural, economic, political and social rights such as the right to equality before the law and equal protection of the law, the right to life, the right to security of the person, the right to work, the right to health and the right to education,

Aware that the Secretary-General, in his report "Women in urban areas: population, nutrition and health factors for women in development, including migration, drug consumption and AIDS" (E/CN.6/1994/3) submitted to the Commission on the Status of Women at its thirty-eighth session, stated that security of tenure promotes greater participation of women in community management and that this, in turn, helps households escape the poverty trap,

Mindful that the Habitat Agenda (A/CONF.165/14), adopted by the United Nations Conference on Human Settlements (Habitat II), recognizes

women's right to adequate housing and to land and property and the importance of all actors adopting and implementing policies, laws and programmes aimed at the realization of these rights,

Mindful also that the Platform for Action (A/CONF.177/20) adopted by the Fourth World Conference on Women recognized the links between women's poverty and lack of access to economic opportunities including land ownership and inheritance,

Noting that the Plan of Action adopted by the World Food Summit, recognized women's right to land in relation to their right to food,

Noting also that the Special Rapporteur on violence against women of the Commission on Human Rights in her preliminary report (E/CN.4/1995/42) noted that economic and social factors, including inadequate housing can cause domestic violence,

Noting further resolution 16/7 of 7 May 1997 entitled "The realization of the human right to adequate housing" adopted by the United Nations Commission on Human Settlements in which it recommended that a joint programme be elaborated between the United Nations Centre for Human Rights and the United Nations Centre for Human Settlements (Habitat) to assist States with the implementation of their commitments to ensure the realization of the right to adequate housing as provided for in international instruments,

1. Reaffirms the universal nature and existence of the right to adequate housing in terms of its relevance to all human rights with respect to women;

2. Encourages Governments to comply fully with all their international and regional obligations and commitments concerning the legally recognized rights of women to land, property, inheritance, adequate housing including security of tenure, an adequate standard of living and the continuous improvement of living and housing conditions and to create opportunities for women to acquire training, education and information in all matters related to these rights;

3. Reminds Governments of the critical importance of providing women with legal resources and human rights information and education to address the violence they experience in relation to housing, and to enact and enforce laws and policies that protect women against violence in this context;

4. Recognizes the importance in this regard of international cooperation and the need for cooperation between Governments, non-governmental organizations and international agencies;

5. Requests the United Nations High Commissioner for Human Rights, in pursuance of her mandate, to undertake initiatives to promote women's right to adequate housing and to land and property;

6. Encourages the High Commissioner/Centre for Human Rights to include fully in all the projects undertaken by the technical cooperation and advisory services programme specific activities related to the promotion and protection of women's right to adequate housing and to land and property;

7. Also encourages the High Commissioner/Centre for Human Rights to include fully in all its field operations specific activities relating to the promotion and protection of women's right to adequate housing and to land and property;

8. Recommends that the Special Rapporteur of the Commission on Human Rights on violence against women include in her next report an in-depth analysis of the relationship between violence against women and violations of the right to adequate housing and to land and property, including forced evictions;

9. Also recommends that all relevant special rapporteurs and the special representative of the Secretary-General on internally displaced persons take into account in the preparation of their reports the question of the housing, land and property rights of women;

10. Invites the Commission on the Status of Women to consider the right to adequate housing and to land and property in its continued research on the impact of violations of economic, social and cultural rights on women;

11. Invites the Committee on the Elimination of Discrimination against Women to pay special attention to the issue of the housing, land and property rights of women when examining States parties' reports and to explore the possibility of adopting a general recommendation on women and housing rights as this relates, inter alia, to the provisions of article 14 of the Convention on the Elimination of All forms of Discrimination Against Women, with a view to clarifying the obligations of States parties to the Convention in this respect;

12. Invites the Committee on Economic, Social and Cultural Rights to consider devoting a day of general discussion to the impact of structural discrimination, poverty and inadequate housing and living conditions on the economic, social and cultural rights of women, with a view to adopting a general comment on article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights;

13. Strongly suggests that the joint programme of the Centre for Human Rights and the United Nations Centre for Human Settlements (Habitat) focus directly on women and the right to adequate housing and to land and property;

14. Requests Governments, the organizations and bodies of the United Nations and the specialized agencies, actively to support local, national and international initiatives, including the development of human rights indicators, aimed at assessing and improving the housing and living conditions of women throughout the world, in full consultation with and with the full participation of women themselves, their representatives and community-based non-governmental organizations and other relevant groups;

15. Invites the Food and Agriculture Organization of the United Nations, in its implementation of the Plan of Action adopted by the World Summit on Food, to focus on women's poverty in relation to their rights to land and property;

16. Invites the International Labour Organization to consider women's housing, land and property rights in its monitoring and development of recommendation No. 115 concerning Workers' Housing, 1961 and the Home Work Convention (No. 177), 1996;

17. Urges the international financial institutions, in particular the World Bank and the International Monetary Fund, to take fully into account the human rights implications for women of their policies, in particular structural adjustment programmes and the funding of large-scale development projects that often lead to forced evictions;

18. Decides to review the question of women and the right to adequate housing at its fiftieth session, under the relevant agenda item.

35th meeting
27 August 1997

[Adopted without a vote. See chap. VI.]

1997/20. Question of the impunity of perpetrators of violations of human rights (economic, social and cultural rights)

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1992/23 of 27 August 1992 and 1993/37 of 26 August 1993 concerning the implementation of a study on the impunity of perpetrators of violations of human rights,

Recalling also its resolution 1994/34 of 26 August 1994 in which it entrusted Mr. Guissé with the task of reporting to it on impunity in respect of violations of economic, social and cultural rights, together with its resolutions 1995/34 of 24 August 1995 and 1996/24 of 29 August 1996,

Considering that the Special Rapporteur submitted to it in 1995 a first interim report on the question of the impunity of perpetrators of human rights violations (economic, social and cultural rights) (E/CN.4/Sub.2/1995/19), followed by a second interim report (E/CN.4/Sub.2/1996/15) in 1996, and the final report (E/CN.4/Sub.2/1997/8) in 1997,

1. Requests the Secretary-General to transmit the final report of the Special Rapporteur to the Commission on Human Rights for consideration;

2. Recommends to the Commission on Human Rights that it consider the possibility of appointing a special rapporteur of the Commission on the impunity of perpetrators of violations of economic, social and cultural rights.

35th meeting
27 August 1997

[Adopted without a vote. See chap. VI.]

1997/21. United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 46/122 of 17 December 1991 by which it established the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery to assist representatives of non-governmental organizations to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and to extend through

established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery,

Recalling also the close relationship between the mandate and activities of the Working Group and those of the Board of Trustees of the Trust Fund, and the necessary cooperation between them,

Welcoming the appointment by the Secretary-General of the members of the Board of Trustees of the Fund,

Welcoming also the holding of the third session of the Board of Trustees from 17 to 19 March 1997, at which the Board recommended that the Secretary-General invite six representatives of non-governmental organizations to attend the twenty-second session of the Working Group and that he finance three projects,

Welcoming further the decision of the Secretary-General to approve these recommendations,

Concerned at the insufficiency of contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery, which prevents it from effectively fulfilling its mandate,

1. Expresses its appreciation for the participation of the representatives of non-governmental organizations financed by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery and for their valuable contribution to the work of the Working Group on Contemporary Forms of Slavery.

2. Encourages the activities of those non-governmental organizations financed by the Trust Fund;

3. Thanks the Chairman and the members of the Board of Trustees of the Fund who attended the session of the Working Group for their constructive participation in its work;

4. Expresses its support for the work of the members of the Board of Trustees, in particular their fund-raising activities;

5. Urges all Governments, non-governmental organizations and individuals to respond favourably to requests for contributions to the Trust Fund in order to enable the Fund to fulfil its mandate effectively;

6. Invites the members of the Board of Trustees of the Trust Fund in a position to do so to participate at the twenty-third session of the Working Group;

7. Decides to continue to examine the situation and the activities of the Trust Fund at its fiftieth session.

35th meeting
27 August 1997
[Adopted without a vote. See chap. VIII.]

1997/22. Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its twenty-second session (E/CN.4/Sub.2/1997/13) and in particular the recommendations contained in chapter VI,

Deeply concerned at the information it contains relating to child and bonded labour, sexual exploitation, in particular of children, the traffic in persons, migrant and domestic workers and sexual slavery during wartime,

Noting that the status of ratification of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 is still unsatisfactory,

Considering the necessity of promoting the implementation of international norms and standards on trafficking in persons and exploitation of the prostitution of others, and of strengthening the mechanism of implementation of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work and in particular for its continued broad approach and flexible methods of work;

2. Recommends once again that the General Assembly consider proclaiming 2 December as the day for the abolition of slavery in all its forms;

I. PREVENTION OF TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

3. Welcomes the outcome of the World Congress against Commercial Sexual Exploitation of Children, held at Stockholm from 27 to 31 August 1996;

4. Recalls the adoption by the Commission on Human Rights of the Programme of Action for the Prevention of the Traffic in Persons and the Exploitation of the Prostitution of Others (E/CN.4/Sub.2/1995/28/Add.1);

5. Requests the Secretary-General to invite all States to report periodically to the Sub-Commission on measures adopted to implement the Programme of Action and on the efficacy of such measures;

6. Recommends that Governments prohibit the advertising or publicizing of sex tourism and that they do not facilitate other commercial activities involving sexual exploitation;

7. Encourages Governments, in cooperation with the World Health Organization and the Joint United Nations Programme on HIV/AIDS, to establish specific projects for the protection of the victims of traffic in persons and of prostitution from the risk of infection with HIV and the spread of AIDS;

8. Recommends that States take urgent measures, including measures of criminal law and of cooperation with other States, designed to protect minors from exposure to or involvement in pornography and requests the Secretary-General to invite States to provide information on measures taken or already applicable;

9. Invites the Secretary-General, in cooperation with the International Telecommunication Union, to continue to examine the adverse effect on children of new technologies, such as the Internet, that are used to promote, inter alia, child pornography and sex tourism;

10. Recommends that national institutions for the prevention of prostitution be established in all States in order to assist in the rehabilitation and reintegration of victims of prostitution;

11. Welcomes the positive measures taken by the World Tourism Organization and professionals in the field of tourism to combat sex tourism, and encourages the reinforcement of such activities;

II. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

A. Special Rapporteur on the sale of children, child prostitution and child pornography

12. Takes note of the information on these problems submitted by the Special Rapporteur in her report to the Commission on Human Rights (E/CN.4/1997/95 and Add.1-2);

13. Also takes note of the information on these problems submitted by the participants at the twenty-second session of the Working Group and requests the High Commissioner/Centre for Human Rights to transmit the information to the Special Rapporteur, along with the recommendations relating to her mandate;

14. Requests the Special Rapporteur, within the framework of her mandate, to continue to pay attention to issues relating to the traffic in children, such as organ transplantation, disappearances, the purchase and sale of children, adoption for commercial purposes or exploitation, child prostitution and child pornography;

15. Strongly encourages the Special Rapporteur to participate in the twenty-third session of the Working Group, in view of the importance of her contribution to its deliberations;

B. Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

16. Encourages the Working Group on a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography to continue its work in elaborating a draft optional protocol, and calls upon the Working Group to outline a framework for international cooperation to bring to an end all practices relating to the sexual exploitation of children, including child sex tourism;

17. Requests the Secretary-General to invite all States to continue to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

18. Encourages all Governments to consider, in the context of the Programme of Action, the creation of programmes aimed at the social rehabilitation of all victims of trafficking, prostitution and pornography, in particular children, and requests international cooperation for establishing and implementing such programmes;

C. Commercial sexual exploitation of children

19. Welcomes the dissemination of the Declaration and Agenda for Action of the World Congress against Commercial Sexual Exploitation of Children;

20. Calls upon all States to muster the political will to give priority to this issue and to initiate through national debate and an intersectoral dialogue a process which moves from deploring the issue to the urgent adoption of a national agenda for action that includes the gathering of gender-disaggregated data, indicators of progress, setting goals, a time-frame for its implementation and national monitoring mechanisms;

21. Calls for increased cooperation between and concrete action-oriented measures by States and international organizations;

D. Traffic in human organs and tissues

22. Notes the information submitted by the Secretary-General to the Commission on Human Rights in accordance with Commission resolution 1996/61 of 23 April 1996, in which the Commission requested the Secretary-General to examine, in cooperation with relevant United Nations agencies, in particular the World Health Organization and all relevant non-governmental organizations, the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes in order to enable the Commission to decide upon possible follow-up to this matter (E/CN.4/1997/78);

23. Welcomes the adoption by the Commission on Human Rights of resolution 1997/20 of 11 April 1997, in which the Commission requested the Secretary-General to continue the examination of the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes and to include an analysis of this question in an updated report to be submitted to the Commission at its fifty-fifth session, in order to enable the Commission to decide whether continued attention to this question is required;

24. Encourages the World Health Organization to continue to pay special attention to this issue, welcomes once again the recommendation of the World Health Organization Advisory Committee on Health Research to set up a task force on organ transplantation, and notes the report of its first meeting held in Annecy, France, on 10 and 11 October 1996;

III. ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR

25. Urges all States, while attempting ultimately to eliminate the phenomenon of child labour, to adopt measures and regulations to protect child labourers, to ensure that their labour is not exploited and to prohibit their labour in hazardous occupations;

26. Urges States that have not yet done so to ratify the relevant International Labour Organization conventions, in particular the Forced Labour Convention, 1930 (No. 29) and the Convention on the Minimum Age for Admission to Employment, 1973 (No. 138);

27. Calls for international cooperation in order to assist the States concerned in their struggle against bonded labour;

28. Requests the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour and to report to the Sub-Commission and the Commission at their next sessions;

IV. ERADICATION OF BONDED LABOUR

29. Takes note with satisfaction of the promulgation by certain States of laws against bonded labour, and appeals to their Governments to adopt all necessary measures to ensure the full implementation of such laws;

30. Requests the specialized agencies, in particular the international financial institutions and the development agencies of the United Nations, to ensure that the projects they support do not, in any way, use bonded labour;

31. Recommends that Governments cooperate with trade unions and employers' organizations at the national level to address the problem of bonded labour and that trade unions and employers' organizations at the local, national and international levels utilize the existing structures of the International Labour Organization dealing with violations of the relevant conventions concerning forced labour, and encourages concerned non-governmental organizations to strengthen their activities for disseminating information and advising trade unions in this regard;

V. FORCED LABOUR

32. Reaffirms once again that forced labour is a contemporary form of slavery;

33. Decides to continue to give consideration to this issue at its next session;

VI. MIGRANT WORKERS

34. Decides to give priority to the consideration of the question of domestic and migrant workers at its next sessions;

35. Also decides to continue to give particular attention to the situation of girl children domestic workers, and urges Governments to ensure that protective regulations govern their employment situation and provide for safe conditions of work;

36. Notes the difficult situation in which girl children are living and the need for them to be provided with protection with a view to their fullest human development and participation in the life of their community being ensured;

37. Urges States to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

38. Also urges States to take the necessary measures to prohibit and sanction the confiscation of passports belonging to migrant workers, in particular, migrant domestic workers;

39. Strongly condemns practices of unequal treatment of migrant workers and the denial of their human dignity;

40. Welcomes Commission on Human Rights resolution 1997/15 of 3 April 1997 in which the Commission decided to establish a working group consisting of five intergovernmental experts on human rights and migrants;

41. Also welcomes the conclusions and recommendations of the United Nations seminar on immigration, racism and racial discrimination held in Geneva from 5 to 9 May 1997, and requests the Secretary-General to disseminate them widely;

42. Recommends that non-governmental organizations give attention to the grave problems affecting migrant workers and provide the Working Group with information in this regard;

VII. ILLEGAL AND PSEUDO-LEGAL ADOPTIONS AIMING AT THE EXPLOITATION OF CHILDREN

43. Takes note of the information received concerning cases of children adopted for commercial purposes and any other form of traffic;

44. Urges States to take adequate steps to regulate and monitor intercountry adoptions better, in particular by ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993;

45. Decides to continue to give consideration to this issue at its next session;

VIII. ELIMINATION OF VIOLENCE AGAINST WOMEN

A. Violence against women

46. Decides to give more priority to exploring preventive measures for the elimination of violence against women, in particular in situations of armed conflict;

47. Welcomes the work of the Special Rapporteur on violence against women and notes her report (E/CN.4/1997/47 and Add.1-4);

48. Invites Governments, intergovernmental organizations and non-governmental organizations to disseminate widely the report of the Special Rapporteur and to implement the recommendations contained therein;

49. Decides to pay special attention to the next report of the Special Rapporteur, which will focus on violence against women during armed conflict;

50. Decides to transmit the information received concerning the sexual exploitation of women and other forms of forced labour during wartime to the Special Rapporteur on violence against women and the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict;

51. Requests the Secretary-General to transmit the final report to be prepared by the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict to the Working Group at its next session;

52. Invites the Special Rapporteur on violence against women and the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict to participate in the twenty-third session of the Working Group;

B. Sexual slavery during wartime, in particular during the Second World War

53. Takes note of the information provided by the Government of Japan, as well as by other parties concerned, with regard to actions in relation to the issue of women sex slaves during the Second World War, recognizing the positive steps made so far towards the solution to this issue;

54. Encourages further efforts towards a constructive dialogue;

55. Invites the Government of Japan to continue to cooperate with the United Nations and the specialized agencies in this matter;

56. Decides to continue to consider this issue at its next session;

IX. MISCELLANEOUS

57. Decides to biennialize the consideration of the issues of incest and early marriage, including the consideration of ways to combat incest and sexual abuse of children inside the family and the urgent need for adequate help to be offered to victims of such practices;

58. Urges Governments to make confidential facilities available for children to make disclosure of the situation and to obtain advice and assistance;

59. Urges Member States to take adequate steps to punish severely the perpetrators of this most heinous offence;

60. Requests the Secretary-General to seek the views and suggestions of Member States and of intergovernmental and non-governmental organizations on proposals for the future action of the Working Group with a view to its considering their replies at its forthcoming sessions;

61. Appeals to all Governments to send representatives to the meetings of the Working Group;

62. Encourages youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

63. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, and to include in their guidelines an item concerning contemporary forms of slavery;

64. Recommends that the Committee of Experts on The Application of Conventions and Recommendations of the International Labour Organization and

the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

65. Requests the Secretary-General to transmit to the committees mentioned above, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the recommendations of relevance to them and the report of the Working Group;

66. Welcomes again the adoption by the Commission on Human Rights of resolution 1996/61 of 23 April 1996, in which the Commission requested the Secretary-General to give effect to his decision to reassign to the Working Group a Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre for Human Rights on issues relating to contemporary forms of slavery;

67. Again requests the Secretary-General to designate the High Commissioner/Centre for Human Rights as the focal point for the coordination of activities and the dissemination of information within the United Nations system for the suppression of contemporary forms of slavery;

68. Notes that the Economic and Social Council, in its resolution 1993/48 of 28 July 1993, approved the endorsement by the Commission on Human Rights of the recommendation made by the Sub-Commission in its resolution 1992/2 of 14 August 1992 that the arrangements regarding the organization of the sessions of the Working Group on Contemporary Forms of Slavery, as contained in Commission decision 1992/115 of 3 March 1992, be repeated in subsequent years;

69. Decides, in arranging its agenda, to make provision for adequate discussion of the report of the Working Group near the commencement of each session, thereby strengthening its involvement in the activities of the Working Group.

35th meeting
27 August 1997
[Adopted without a vote. See chap. VIII.]

1997/23. Prevention of discrimination against and protection of minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1995/24 of 3 March 1995 on the rights of persons belonging to national or ethnic, religious and linguistic minorities, in which the Commission, inter alia, decided to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to minorities,

Noting Commission resolution 1997/16 of 3 April 1997, in which it commended the role of the Working Group on Minorities as an important forum for the promotion of the rights of persons belonging to minorities and expressed its expectation that the Working Group would further implement its mandate as set out in Commission resolution 1995/24, with the involvement of a wide range of participants,

Having considered the comprehensive report of the Working Group on Minorities on its third session (E/CN.4/Sub.2/1997/18) and in particular the conclusions and recommendations contained in paragraphs 105 to 125 thereof,

Disturbed at the widespread occurrence of violent conflicts in many parts of the world where ethnic or religious hostility is engendered and exploited by one or more of the parties to the conflict,

Reiterating the need for States, minorities and majorities to search for peaceful and constructive solutions to problems affecting minorities,

Emphasizing the need for system-wide cooperation within the United Nations to facilitate peaceful solutions to situations involving minorities,

Underlining the need for close cooperation between the Sub-Commission and the Commission on Human Rights in this field,

1. Welcomes the substantive information submitted to the sessions of the Working Group on Minorities and the dialogue engaged between minorities and Governments, and the report of the Working Group on its third session (E/CN.4/Sub.2/1997/18);

2. Decides to transmit the report of the Working Group on Minorities on its third session together with the working papers prepared by members of the Working Group to the Commission on Human Rights for consideration;

3. Recommends that the Commission on Human Rights request the Economic and Social Council to authorize the extension of the mandate of the Working Group with a view to its holding one session annually;

4. Invites the Working Group to increase its cooperation with the United Nations High Commissioner for Human Rights;

5. Appeals to all Governments, intergovernmental organizations, United Nations bodies, specialized agencies, non-governmental organizations and scholars to continue to participate actively in the work of the Working Group;

6. Invites the Working Group to elaborate and submit to the Sub-Commission guidelines concerning the content and scope of the principles contained in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including concrete recommendations for their implementation;

7. Welcomes the seminar on multicultural and intercultural education held on 23 and 24 May 1997 and the recommendations thereof contained in document E/CN.4/Sub.2/AC.5/1997/WP.5, and invites the Working Group to pursue its efforts to organize further seminars, without financial implications, in accordance with the recommendations contained in its reports;

8. Recommends that the Working Group continue the consideration of the issue of citizenship and nationality within the context of minority rights;

9. Requests the Commission on Human Rights to invite States and intergovernmental and non-governmental organizations to provide their comments on The Hague Recommendations regarding the Education Rights of National Minorities (E/CN.4/Sub.2/AC.5/1997/WP.3, annex) in accordance with paragraph 111 of document E/CN.4/Sub.2/1997/18;

10. Also requests the Commission on Human Rights to invite States and intergovernmental and non-governmental organizations to provide information on good practices organized according to the principles contained in the Declaration, in accordance with paragraph 109 of document E/CN.4/Sub.2/1997/18;

11. Recommends that minority rights issues and programmes for intercultural education be made a core component of the action plans for the United Nations Decade for Human Rights Education;

12. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child, when considering States parties' reports, give particular attention to the implementation of, respectively, article 27 of the International Covenant on Civil and Political Rights, article 15 of the International Covenant on Economic, Social and Cultural Rights, article 2 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 30 of the Convention on the Rights of the Child, and include in their guidelines an item concerning minorities;

13. Also recommends that the treaty bodies, special rapporteurs, special representatives and the relevant working groups continue to pay due regard, within their mandates, to the principles contained in the Declaration;

14. Requests the competent United Nations organs and bodies and intergovernmental and non-governmental organizations to intensify their efforts to disseminate information on the Declaration and to continue to submit information on the application thereof to the Working Group on Minorities in compliance with article 9 of the Declaration;

15. Recommends that the Office of the United Nations High Commissioner for Human Rights be strengthened to enable it to provide adequate services to the Working Group and to undertake relevant studies, evaluation and action;

16. Recommends the following draft decision to the Commission on Human Rights for adoption:

> "The Commission on Human Rights, taking note of resolution 1997/23, of 27 August 1997 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to request the Economic and Social Council to authorize the extension of the mandate of the Working Group on Minorities with a view to its holding one of five working days session annually."

35th meeting
27 August 1997
[Adopted without a vote. See chap. X.]

1997/24. Situation of street children and minor detainees

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting with satisfaction resolution 1997/78 VIII of the Commission on Human Rights concerning the plight of street children,

Reminding all the States parties to the Convention on the Rights of the Child of their obligations with regard to effective implementation of all its provisions,

Seriously concerned at reports from reliable sources indicating that in some countries street children and, in particular, minor detainees are suffering serious violations of human rights,

Deploring the fact that the governments concerned remain silent about the conditions of internment of young detainees, as regards the lack of infrastructure, the untrained personnel and the intolerable behaviour of this personnel towards these detainees,

Noting with concern the absence in the countries concerned of specific legislation to govern offences committed by minor children, the absence of preventive and educational measures for their reintegration into society which would enable minor detainees to become rehabilitated and no longer marginalized, as well as the very limited number of children's magistrates capable of understanding the problems of delinquent children and seeing that they are cared for,

1. Recommends to the Commission on Human Rights that it invite all States parties to the Convention on the Rights of the Child which have not already done so to incorporate all the provisions of the Convention in their domestic legislation, so as to ensure that the rights of the child are not subject to any infringement or violation;

2. Requests the Commission on Human Rights, having regard to the gravity of the violations suffered by street children, who are often manipulated by criminal groups, to consider the possibility of appointing a special rapporteur on the human rights situation of street children.

35th meeting
27 August 1997

[Adopted without a vote. See chap. XI.]

1997/25. Juvenile justice

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful of its decision at its present session to include the question of juvenile justice as sub-item (d) of item 9 dealing with the administration of justice and human rights,

Recalling that Ms. Lucy Gwanmesia, as a member of the sessional working group on the administration of justice and the question of compensation, was requested at the 1996 session of the working group to prepare a working paper on juvenile justice,

Recalling that article 37 of the Convention on the Rights of the Child provides that no child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment and that neither capital punishment nor life imprisonment shall be imposed on children, and that no child shall be detained or imprisoned except in conformity with the law,

Reaffirming section I, paragraph 21, of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, in which the Conference, welcoming the early ratification of the Convention on the Rights of the Child by a large number of States, urged universal ratification of the Convention by 1995 and its effective implementation by States parties through the adoption of all the necessary legislative, administrative and other measures,

Mindful of the international human rights instruments pertaining to the question of juvenile justice, in particular the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"),

1. Notes with interest the discussions at the 1996 sessional working group on the administration of justice concerning the question of juvenile justice (see E/CN.4/Sub.2/1997/21, chap. V) and mindful of the importance attached to this question expressed during the discussion by the Sub-Commission of the report of the working group;

2. Regrets that in contravention of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") many States continue to detain children with adult prisoners;

3. Also regrets that in many States the system of administration of justice fails to take account of the special psychological and physical needs of children;

4. Calls upon States to provide for the establishment of juvenile courts in their respective systems of administration of justice;

5. Notes with regret that the Committee on the Rights of the Child has so far been unable to adopt any general comments on the Convention on the Rights of the Child;

6. Decides to request Ms. Lucy Gwanmesia to prepare, without financial implications, a detailed working paper on juvenile justice to be submitted to the Sub-Commission at its fiftieth session;

7. Invites the relevant organizations and bodies of the United Nations system, in particular the United Nations Children's Fund and the Committee on the Rights of the Child, to cooperate with Ms. Gwanmesia in the preparation of her working paper.

35th meeting
27 August 1997

[Adopted without a vote. See chap. XI.]